

REMARKS

Reconsideration and withdrawal of the rejection and allowance of all of the claims now in the application (i.e., Claims 1, 4-6, 8-21, and 24) are respectfully requested in view of the foregoing amendments and the following remarks.

Concerning initially the 112, first paragraph, rejection of Claims 1, 4-6, 8-21, and 24 as containing new matter due to the reference to "water-based" thermochromic inks, this term has been deleted from the claims so as to resolve this ground of rejection.

With respect to the 112, second paragraph, rejection of Claim 8, Claim 8 has been amended to correct its dependency from Claim 7 to Claim 5 to resolve this ground of rejection.

Applicant notes with appreciation the Examiner's indication of allowable subject matter relative to the fact that the prior art does not teach or fairly suggest a method of spraying a water-based thermochromic ink in a first coating material directly onto a table or article, in combination with a step of applying a second transparent dishwasher-proof coating material over the first coating. It is respectfully submitted that the claims as now amended, which simply recites the limitation "thermochromic ink", without resort to the further limitation of "water-based", is also allowable over the cited art it is therefore believed that all of the claims as now submitted are in condition for allowance.

More particularly, as previously indicated throughout the prosecution of this application and Applicant's parent application, no one in the prior art has recognized nor suggested the use of thermochromic inks, regardless of whether they are water- or solvent- based, for use in a method of decorating an article of glazed tableware as presently claimed. In Applicant's Supplemental Preliminary Amendment, Applicant submitted literature as requested by the Examiner to establish that those skilled in the art recognize that there is a difference between thermochromic inks and thermochromic paints.

Specifically, Applicant submitted product literature from the Pilot Ink Company (Supplemental Preliminary Amendment Exhibit A) which showed that different formulations were provided for thermochromic inks and thermochromic paints which formulations were intended for different applications. It was also pointed out that in a previously cited patent, Shibahashi et al. - U.S. Patent No. 4,425,161 (Exhibit B), printing inks and paints were considered to be separate and distinct compositions. In addition, copies of promotional literature (Exhibits C and D) from two companies were provided to specifically show that they offered both thermochromic inks and thermochromic paints as part of their product portfolio. Finally, further excerpts from two websites were provided (as Exhibit E) which further provided formulations specifically for thermochromic inks. The differences between thermochromic inks and paints were further emphasized in the Declaration of Alan Jones (Exhibit F).

In addition, a Declaration Of Charles Boyce was submitted (Exhibit G) who also attested to the fact that the prior art did not recognize nor encourage or suggest to anyone in the field to apply a thermochromic ink via electrostatic spraying onto a glazed ceramic article and to overspray the first coat and achieve a dishwasher proof end product.

Finally, the Declaration of Shinel Bhagi (Exhibit H), the representative of Applicant's assignee, was submitted to particularly emphasize the commercial success of the inventive product. Mr. Bhagi provided sales figures showing the remarkable sales of this inventive product, notwithstanding the absence of any major advertising campaign. Mr. Bhagi also indicated that the invention had won a major U.K. promotional award in 1998.

The bottom line is that the prior art is devoid of any teaching of utilizing a thermochromic ink for coating a glazed article. While water-based thermochromic inks produce the best quality commercial product today, solvent based thermochromic inks may have future application to the inventive process and, in any event, it does not alter the basic inventive teaching of the inventor that one must use a thermochromic ink.

In Applicant's Supplemental Preliminary Amendment, Claim 1 was further amended to indicate that the first coating mixture was directly applied onto substantially the whole outer surface of the table or article by spraying. These are features which are also neither disclosed nor suggested by the prior art. It is clear that no one has suggested mixing a thermochromic ink with a first coating material

to form a first coating mixture and applying the first coating mixture directly onto substantially the whole outer surface of the tableware or article to be decorated by spraying, as presently claimed.

For these reasons, it is respectfully submitted that the claims, as amended, are patentably distinguishable over the references of record, either applied alone or in combination. In view of the foregoing, reconsideration and withdrawal of the rejection and allowance of the claims at an early date is earnestly solicited.

Respectfully submitted,

LODGE ET AL.

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